

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:

Jorg Bernard et al.

Application No.: 10/697,800

Confirmation No.: 1152

Filed: October 31, 2003

Art Unit: 1794

For: GELATIN-FREE, ISOMALTULOSE-  
CONTAINING SOFT CARAMEL

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Examiner: K. J. Bekker

**RESPONSE TO NON-FINAL OFFICE ACTION**

**INTRODUCTORY COMMENTS**

In response to the Office Action dated April 13, 2009, please reconsider the above-identified U.S. patent application amended as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.

**FEE CALCULATION**

Any additional fee required has been calculated as follows:

	No. Claims After Amendment		Highest No. Previously Paid For		Extra Present		Rate	Additional Fee
Total	21	MINUS	31**	=	0	X		\$
Indep.	1	MINUS	3**	=	0	X		\$
First presentation of multiple dependent claim(s)						X		\$
TOTAL								\$ -0-

\* not less than 20

\*\* not less than 3

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2215.

**CONTINGENT EXTENSION REQUEST**

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 CFR 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 CFR 1.135. The fee under 37 CFR 1.17 should be charged to our Deposit Account No. 50-2215.